

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

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**SPEECH FIRST, INC.,**

**Plaintiff,**

**v.**

**MARK SCHLISSEL, *et al.*,**

**Defendants.**

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) Civil No. 2:18-cv-11451-LVP-EAS  
) Hon. Linda V. Parker  
) Mag. Judge Elizabeth A. Stafford  
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**DEFENDANTS' MOTION FOR EXTENSION OF TIME  
TO OPPOSE PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION  
AND BRIEF IN SUPPORT OF THE MOTION**

Defendants, pursuant to Eastern District of Michigan Local Rule 65.1, respectfully request that this Court grant an extension through June 25, 2018, for them to respond to Plaintiff's Motion for Preliminary Injunction, for the following reasons:

1. Plaintiff, a nationwide advocacy group, seeks a preliminary injunction to enjoin fourteen University of Michigan officials from "taking any actions to investigate, threaten or punish" students who violate the school's prohibitions on harassment and bullying, and to enjoin the University from allowing its Bias Response Team to receive complaints of alleged incidents of bias on campus and then address them. PI Mem. at 25.

2. Plaintiff purports to act on behalf of three anonymous students (identified as A, B, and C) who allegedly wish to engage in an “intellectual debate” about topics ranging from gun rights to abortion to welfare and who contend that their ability to do so is being chilled. There is, however, nothing in the University’s policies that inhibits these unnamed students from engaging in any such discussions. Indeed, the very policy under which Plaintiff sues emphasizes the University’s commitment to “freedom of expression” and “vigorous discourse.” PI Ex. A at 1, 3; *see also* University of Michigan, Standard Practice Guide Policy 601.1: Freedom of Speech and Artistic Expression (“Expression of diverse points of view is of the highest importance, not only for those who espouse a cause or position and then defend it, but also for those who hear and pass judgment on that defense. The belief that an opinion is pernicious, false, or in any other way detestable cannot be grounds for its suppression.”).<sup>1</sup> Furthermore, counsel for the University has assured Plaintiff’s counsel that Students A, B, and C will not be subject to disciplinary action for expressing their views.

3. Plaintiff chose to file its lawsuit without first approaching the University to discuss its concerns. Although it is a simple matter to provide Students A, B, and C with the assurance that they are free to express the views set forth in the

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<sup>1</sup> Available at <http://spg.umich.edu/policy/601.01>.

Complaint—and Defendants have already done this—it will require a more extensive factual presentation to respond to the various arguments set forth in support of the request for a preliminary injunction, including arguments going not only to the merits of Plaintiff’s claims, but also to the issues of standing, mootness, and irreparable harm and the public interest.

4. Defendants and their counsel need a fair opportunity to assemble the factual and legal record necessary to counter Plaintiff’s motion and to address the mistaken factual and legal premises on which it is based. It will take time for Defendants and their counsel to pull together the evidence that shows that the Plaintiff has mischaracterized its policies and programs and how they have been applied, and has painted a picture of the University that does not reflect the true vibrancy of debate and discussion on campus. The policies and programs at issue here are of fundamental importance to the University and its students, and they share an interest in ensuring that the Court is presented with a full and fair record on which to base its decision.

5. On Monday, May 14, counsel for Defendants contacted Plaintiff’s counsel to request that they agree to allow Defendants 45 days from service of Plaintiff’s motion (i.e., to and including June 25) to respond to the motion. Plaintiff’s counsel declined to consent to this request, making this motion necessary.

6. Plaintiff's counsel have stated that they would consent to no more than 30 days for Defendants to respond.<sup>2</sup> Plaintiff has stated in its motion that it wishes to obtain "a decision . . . by the Sixth Circuit" before classes resume. PI Mem. at 25. But Plaintiff's desire to race to the Court of Appeals is no reason to deny this Court a full record (and adequate time) upon which to base its ruling. Plaintiff has had ample time to prepare its Complaint, and nothing prevented Plaintiff from commencing this action weeks, months or even years before it did so.

7. There is no emergency that warrants an expedited briefing schedule in this case. The 2017-18 academic year officially ended at commencement (on April 28, 2018); the vast majority of students are on summer break; and as noted above the University through counsel has assured Students A, B, and C that they are free to express the views set forth in their Complaint without fear of disciplinary action.

For the foregoing reasons, Defendants respectfully request that the Court set a response date of June 25, 2018, for Defendants' opposition to Plaintiff's motion for a preliminary injunction.

Dated May 16, 2018

Respectfully Submitted,

/s/Rian C. Dawson  
Attorney for Defendants

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<sup>2</sup> Plaintiff's counsel would then propose 14 days for a reply, with oral argument shortly thereafter.

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**DEFENDANTS' BRIEF IN SUPPORT OF THEIR MOTION FOR  
EXTENSION OF TIME TO OPPOSE PLAINTIFF'S  
MOTION FOR PRELIMINARY INJUNCTION**

For the reasons stated in Defendants Motion for Extension of Time To Oppose Plaintiffs' Motion For Preliminary Injunction, and pursuant to Local Rule 65.1, Defendants respectfully request the Court to grant thier motion for a brief extension—expiring on June 25, 2018—to respond to Plaintiff's Motion for Preliminary Injunction.

Dated May 16, 2018

Respectfully Submitted,

/s/Rian C. Dawson  
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**CERTIFICATE OF SERVICE**

This is to certify that on May 16, 2018, a copy of the foregoing was electronically filed with the Clerk of the Court using the ECF system which will send notification of such filing to the attorneys of record.

Respectfully submitted,

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